

GP/2176

Patent
254/180

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

#7

In re the Application of:

James K. BERIKER et al.

Serial No.: 09/653,840

Filed: September 1, 2000

For: Auction-Based Search Engine



Group Art Unit: 2176

Examiner: Heather R. Herndon

RECEIVED

FEB 28 2002

Technology Center 2100

REQUEST FOR WITHDRAWAL AS ATTORNEY (37 CFR § 10.40 (c))

Commissioner for Patents
Washington, D.C. 20231

Sir:

1. The undersigned respectfully requests for himself, and on behalf of all attorneys referenced herein, permission to withdraw from all further responsibility in this case, in accordance with 37 CFR § 1.36 and 37 CFR § 10.40.

2. The last-known address of the applicant, James K. Beriker et al. is as follows:

Search123.com
5701 Lindero Canyon Road
Building 2-200
Westlake Village, CA 91362

Please change the correspondence address and direct all future correspondence to Mr. James K. Beriker at the above address.

CERTIFICATE OF MAILING
(37 C.F.R. §1.8a)

I hereby certify that this paper (along with any referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date shown below with sufficient postage as First Class Mail in an envelope addressed to the Commissioner for Patents, Washington, D.C. 20231.

February 6, 2002
Date of Deposit

Maria D. Santos

3. The basis for the request for withdrawal is 37 CFR § 10.40(c)(1)(vi).

Explanation (including brief description of exhibits, if any):

This application was originally prepared on behalf and at the request of Search123.com, Inc., at the time a client of our law firm, Lyon & Lyon, LLP. The first named applicant, James K. Beriker, is also the president of our client.

Since June 19, 2000, the client for the above referenced patent has carried a balance with Lyon & Lyon, which currently amounts to \$22,539.65. Despite repeated efforts by the undersigned to contact the client regarding this outstanding balance, Lyon & Lyon has received no reply. Specifically, on November 21, 2001, following up on a previous phone message, I tried to contact James K. Beriker regarding the account balance. I left a phone message, but received no reply. Out of an abundance of caution I verified the client's address, verified that the client was still in business, and verified that James K. Beriker was still its president. On December 4, 2001, I sent a letter to James K. Beriker, as president of Search123.com, informing him that if we did not hear from Search123.com regarding the outstanding balance by December 17, 2001, we would seek to withdraw as attorney for the above referenced patent application. As of February 4, 2002, Lyon & Lyon has received no reply.

4. The above referenced patent application was filed with the Patent Office on September 1, 2000 with James K. Beriker as the first named inventor. Missing Parts for this application were filed on October 2, 2000. The undersigned is not aware of any outstanding action or pending period for response regarding this application.

5. In accordance with 37 CFR §10.40(a), a copy of this notice to request to withdraw is being sent to the client.

6. This request is enclosed in triplicate.

7. There are no related applications for which withdrawal is requested.

8. Signatures(s) of the attorney(s) withdrawing (or signature of an authorized attorney on behalf of an attorney withdrawing).

The undersigned respectfully requests withdrawal for himself and on behalf of all attorneys designated by the following Customer Number:



22249

PATENT TRADEMARK OFFICE

633 West Fifth Street, 47th Floor
Los Angeles, CA 90071-2066
(213) 489-1600

SIGNATURE OF ATTORNEY REPRESENTING THE WITHDRAWING PRACTITIONERS:

LYON & LYON LLP

Dated: February 4, 2002

By: _____


David A. Randall
Reg. No. 37,217